

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

GOVERNOR GREG ABBOTT, in his official  
capacity as Governor of the State of  
Texas,

and

GOVERNOR MIKE DUNLEAVY, in his official  
capacity as Governor of the State of  
Alaska,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, in his official capacity as  
President of the United States, *et al.*,  
*Defendants.*

No. 6:22-cv-3-JCB

**DEFENDANTS' NOTICE OF RESCISSION OF  
DOD COVID-19 VACCINATION REQUIREMENT**

Defendants file this notice to inform the Court that on January 10, 2023, the Secretary of Defense implemented Section 525 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 ("NDAA"). *See* Pub. L. No. 117-263, § 525 (Dec. 23, 2022), 136 Stat 2395. Section 525 of the NDAA directs the Secretary, within 30 days, to rescind the August 2021 memorandum requiring vaccination of service members for COVID-19.

Pursuant to the NDAA, the Secretary of Defense issued a memo on January 10, 2023, rescinding his August 24, 2021 memorandum which required COVID-19 vaccination, and rescinding his November 30, 2021 memorandum which required COVID-19 vaccination for members of the National Guard and the Ready Reserve. *See* 1/10/2023 SECDEF Memo ("Rescission Memo") (attached as Ex. 1).

The Rescission Memo prohibits separations based solely on refusal of the COVID-19 vaccine by service members who sought an exemption. *Id.* The Rescission Memo further directs the Services to update the records of individuals currently serving to remove any adverse actions solely associated with the denial of an accommodation request. *Id.* The Rescission Memo also halts the processing of requests for exemption to the now-defunct mandate. *Id.*

Date: January 11, 2023

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on January 11, 2023, this document was filed through the Court's CM/ECF system, which automatically serves all counsel of record.

/s/ Zachary A. Avallone